



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
999 18TH STREET- SUITE 300
DENVER, CO 80202-2466

May 20, 2004

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7003 2260 0001 7777 9235

Mark Pifher, Director
Water Quality Control Division
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

NOTICE OF VIOLATION

Docket No. **SDWA-08-2004-0025**

Re: City of Trinidad Public Water System
Las Animas County, Colorado
PWS ID# CO0136800

Dear Mr. Pifher:

The above referenced public drinking water system has violated certain provisions of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f, et seq. and the National Primary Drinking Water Regulations at 40 CFR Part 141. The violations consist of failure to take five routine samples for total coliform bacteria the month following a total coliform positive sample result, exceedance of the maximum containment level (MCL) for total coliform bacteria, failure to submit a monitoring plan, failure to monitor for disinfection byproduct precursors, failure to monitor for disinfection byproducts, failure to monitor for chlorine residual, failure to monitor individual filter effluent turbidity, failure to notify the State of Colorado of these violations; and failure to provide public notice of the violations to persons served by this public water system. Our records, obtained from the Colorado Department of Public Health and Environment (CDPHE), indicate the violations noted below.

Date of
Violation

Violation

May 2000	Failure to take 5 routine samples the month after a total coliform bacteria positive result. (40 C.F.R. § 141.21(b)(5))
June 2002	Exceeded the MCL for total coliform bacteria. (40 C.F.R. § 141.63(a)(2))
April 2003	Failure to submit a disinfection byproduct monitoring plan. (40 C.F.R. 141.132(f))
Jan-Jun 2003	Failure to monitor for disinfection byproduct precursors. (40 C.F.R. § 141.132(d))

Date of
Violation

Violation

1 st and 2 nd quarters 2003	Failure to monitor for disinfection byproducts. (40 C.F.R. § 141.132(b))
1 st and 2 nd quarters	Failure to monitor for chlorine residual. (40 C.F.R. §



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141.132(c)(1)(i))

2003

Jan-Nov 2003 Failure to continuously monitor individual filter effluent turbidity. (40 C.F.R. § 141.174(a))

2003-2004 Failure to provide public notice of the violations. (40 C.F.R. § 141.201)

This NOTICE OF VIOLATION is issued pursuant to Section 1414(a) of the SDWA, 42 U.S.C. Section 300g-3(a). If the State does not commence an appropriate enforcement action within 30 days from the receipt of this notification, the EPA will be authorized either (1) to issue an Administrative Order under Section 1414(g) of the SDWA requiring the public water system to comply with the regulations or requirements or (2) to commence a civil action under Section 1414(b) of the SDWA.

A copy of this NOTICE OF VIOLATION is being sent concurrently to the system identified above. Also enclosed for the benefit of the public water system is a copy of EPA's Small Business Regulatory Enforcement and Fairness Act (SBREFA) information sheet, U.S. EPA Small Business Resources, containing information on compliance assistance resources and tools available to small businesses. Small governments are also included under SBREFA, and the enclosed fact sheet discusses resources that may be available to small governments. Also, there is a compliance assistance center for small governments, the Local Government Environmental Assistance Network (LGEAN). LGEAN can be accessed at www.lgean.com or by calling (877) 865-4326. SBREFA does not eliminate any public water system's responsibility to comply with the SDWA nor does it create any new rights or defenses under law.

Please notify Olive Hofstader of my staff at (303) 312-6467 within 20 days if your records show any discrepancies with these determinations of violation, if there is any change in the compliance status of this system, or if you have any questions or other comments. Thank you for your cooperation in this matter.

Sincerely,

SIGNED

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

MICHAEL T. RISNER

Michael T. Risner, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure - SBREFA (to the public water system)

cc: Linda Vigil, Trinidad Water Department
Lori Gerzina, CDPHE

THIS DOCUMENT WAS FILED IN THE REGIONAL HEARING CLERK'S OFFICE ON MAY 20, 2004.